
TOO GOOD TO BE TRUE....

A Column on Consumer Issues

by Attorney General Wayne Stenehjem's
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Shopping Safely From Home – Part 3

Shopping from home is convenient and offers a wide range of choices to consumers who may be under time restraints. However, at-home shopping is not without risk. Consumers need to watch out for fraud. This week, we continue exploring Shopping Safely From Home.

Telemarketing. Although most telephone sales pitches are made on behalf of legitimate organizations offering bona fide products or services, some telemarketing calls are fraudulent. Telemarketing fraud is a multi-billion-dollar business in the United States, and every year thousands of consumers lose money – sometimes their life savings – to telephone con artists.

Telephone fraud knows no race, ethnic, gender, age, education or income barriers. Telemarketing scam artists can victimize anyone with a phone. You may get a call from a stranger who got your number from a telephone directory, mailing list, or "sucker list" of people who have already lost money through fraudulent promotions or merchandise sales. You may get a letter or postcard saying that you have won a prize or contest when you really have not – this is a scam to deceive you and take your money.

Fortunately, there are laws to help protect you. You can stop almost all telemarketing calls by registering on the North Dakota Attorney General's "Do Not Call" list. You only need to register once every five years and this registration places you on both the state and national "Do Not Call" list. You can register by calling toll free 1-888-382-1222 or by going online at www.ag.state.nd.us. For more information about the state 'Do Not Call' law, go to www.ag.state.nd.us.

The Federal Trade Commission's Telemarketing Sales Rule as well as state laws require telemarketers to make certain disclosures and prohibit misrepresentations.

- ◆ Telemarketers may not call before 8 a.m. or after 9 p.m.
- ◆ Telemarketers are required by law to tell you before making their pitch that they are making a sales call and who they represent.
- ◆ It is illegal for a telemarketer to misrepresent any information.
- ◆ Telemarketers must tell you the total cost of the products or services offered and any restrictions on getting or using them.
- ◆ Telemarketers must tell you if a sale is final or non-refundable before you pay.
- ◆ In a prize promotion, the telemarketer must tell you the odds of winning and that no purchase or payment is necessary to win. If any payment or purchase is required, it is a sales transaction, not a prize.

If you have the slightest doubt about a telephone offer, tell the caller to send you the information in writing and then be sure to check out the information before putting your money on the line. For more information, visit www.fraud.org, www.ftc.gov, www.usdoj.gov, www.aarp.org and www.usps.gov.

Door-to-Door Sales. Some businesses sell their goods and services by sending their salespeople out to ring doorbells or by arranging home parties. Many consumers enjoy shopping "the old-fashioned way," but as in other types of sales, it is hard to know how to determine if a seller is

legitimate. If you are approached by a salesperson at home, ask for identification verifying the person's name, the name of the business and the business address. In North Dakota most door-to-door salespeople must carry a transient merchant's license with them. Tell any salesperson who cannot provide this information to leave, and report any suspicious salesperson to your local police department.

Even if you are satisfied with the information provided, do not feel pressured into buying something. Be wary of sales pitches that require you to make an on-the-spot decision or offer "free" gifts with a purchase. Before buying anything, it is a good idea to ask for literature about the product or service and to comparison shop with local vendors.

If you make a purchase of \$25 or more from other than a normal place of business, such as a door-to-door sale, the Federal Trade Commission's Cooling Off Rule and the North Dakota Home Solicitations Sales Statute gives you three days to cancel the transaction. By law, the salesperson must tell you about your cancellation rights at the time of the sale. The salesperson also must give you a copy of a cancellation form and a copy of your contract. The contract should be dated, show the name and address of the seller, and explain your right to cancel.

Flea Markets and Yard Sales. One person's trash is another person's treasure. But while you can get great bargains at flea markets and garage sales, it is wise to be on the lookout for potential problems – among them, those related to product safety. It is possible that an item being sold has been recalled or even banned because it does not meet current safety standards. This is especially important if you are considering buying used children's products such as cribs, car seats, strollers and playpens. Your best protection is to get the item's make and model number, then call the Consumer Product Safety Commission toll-free at 1-800-638-2772 or go to the www.cpsc.gov web site for general advice and specific product information. If you are considering buying an electrical product, check it carefully for frayed wires, loose plugs and scorch marks that indicate overheating.

Be aware that some products sold at flea markets and garage sales may be counterfeit. Although they may look just like the real thing, they may be poorly-made imitations. At the least, they may quickly fall apart; at worst, they can be dangerous. And if you buy a "knock-off," you will probably not be able to get warranty service if something goes wrong. So when you see new merchandise at a flea market or garage sale for incredibly cheap prices, your best bet may be to pass it up.

This concludes the three-part series on Shopping Safely From Home. Attorney General Wayne Stenehjem strongly encourages North Dakota consumers to shop locally with reputable businesses; however, if you do shop from home, inform and protect yourself with the information and advice offered in Shopping Safely From Home.

Please contact the Attorney General's Consumer Protection Division for assistance or a consumer complaint form at our toll-free number, 1-800-472-2600. You may also contact our website at www.ag.state.nd.us for more information or to print consumer complaint form.

The Attorney General's Consumer Protection Division investigates allegations of fraud in the marketplace. Investigators also mediate individual complaints against businesses. If you have a consumer problem or question, call the Consumer Protection Division at 328-3404, toll-free at 1-800-472-2600, or 1-800-366-6888 (w/TTY). This article and other consumer information is located on our website at www.ag.state.nd.us

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